

9-1-04

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Express Mail No.: EV533103664US

PATENT APPLICATION

Docket: 15436.135.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:)	
	Zhong et al.)	
Serial No.:	10/724,426)	
Filing Date:	November 26, 2003)	Art Unit
Confirmation No.:	1047)	2883
For:	OPTICAL ADD/DROP MODULE)	
Examiner:	Joanne H. Kim)	
Customer No.:	022913)	

CERTIFICATE OF EXPRESS MAIL UNDER 37 C.F.R. § 1.10

I hereby certify that the following documents are being deposited with the United States Postal Service as Express mail, postage prepared, in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

- Response to Election of Species Requirement
- Transmittal Letter (in duplicate)
- Postcard

Dated this 31ST day of August, 2004.

Respectfully submitted,

Peter F. Malen, Jr.
Attorney for Applicant
Registration No. 45,576

PFM/jw

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Docket: 15436.135.1

In re application of:

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Art Unit
2883

2883

MAIL STOP: AMENDMENT
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Transmitted herewith is a Response to Election of Species Requirement as set forth in the Office Action mailed August 11, 2004, for entry in the above-identified application.

- X Response to Election of Species Requirement;
- X Transmittal letter (in duplicate);
- X Certificate Express Mailing # EV533103664US;
- X Self-addressed, stamped postcard to confirm receipt.

The Commissioner is hereby authorized to charge payment of fees required under 37 C.F.R. § 1.17 or credit any overpayment to Deposit Account No. 23-3178. A duplicate copy of this letter is attached.

Dated this 31ST day of August, 2004.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Peter F. Malen, Jr.", written in a cursive style.

Peter F. Malen, Jr.
Attorney for Applicant
Registration No. 45,576
Customer No.: 022913

PFM/jw

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Patent & Trademark Office
AUG 31 2004
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In re application of:

Zhong et al.

Serial No.: 10/724,426

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For: OPTICAL ADD/DROP MODULE

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Customer No.: 022913

MAIL STOP: AMENDMENT

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

Dear Sir:

In the Office Action mailed August 11, 2004 (the “Office Action”), the Examiner set forth an Election of Species Requirement that identified what the Examiner has characterized as three patentably distinct species of the claimed invention. In particular, the Examiner suggested in the Office Action that the present application contains claims directed to the following three species, namely:

Species I. - Claims 1-5 and Fig. 2 (drawn to an optical module comprising an add portion having a final stage including two fused fiber interleavers in series);

Species II. - Claims 6-24 and Fig. 4 (drawn to an optical module comprising an add portion having a final stage including a thin film interleaver); and

Species III. - Claims 25-27 and Fig. 8 (drawn to an optical module comprising an add portion having a ceramic sleeve disposed about a fused interleaver).

In response to the Election of Species Requirement set forth in the Office Action, Applicant hereby elects Species II (drawn to an optical module comprising an add portion having a final stage including a thin film interleaver) for examination, without traverse. Claims 6-24, at least, are readable on Species II.

Applicant's election herein is made without prejudice. As noted by the Examiner, upon the allowance of a generic claim, Applicants will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 C.F.R. § 1.141.

As to the unelected Species III, Applicant notes that the Examiner has characterized Species III (Fig. 8 and Claims 25-27) as being drawn to an optical module comprising an add portion having a ceramic sleeve disposed about a fused interleaver. However, Applicant respectfully directs the attention of the Examiner to the fact that independent claim 25 does not recite such a "ceramic sleeve." Rather, the "ceramic sleeve" is recited in claim 26, which depends from claim 25.

In view of the foregoing, Applicant respectfully requests that the Examiner reconsider the propriety of the basis for the Examiner's election of species requirement, at least insofar as such

requirement relates to Species III noted above. Applicant further respectfully requests that, in light of the foregoing comments concerning Species III, the Examiner notify Applicant as to whether a new/modified election of species requirement will be made, or whether the election of species requirement made in the Office Action will be maintained in its current form.

An action on the merits of all the claims and a Notice of Allowance thereof are respectfully requested. In the event that the Examiner wishes to discuss any of the matters contemplated hereby, the Examiner is invited to initiate a telephone conversation with the undersigned.

DATED this 31ST day of August, 2004.

Respectfully submitted,



PETER F. MALEN JR.
Attorney for Applicant
Registration No. 45,576
Customer No.: 022913

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